



Docket No. 1232-4642

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Hirofumi TAKEI

Group Art Unit: 2612

Serial No.: 09/649,951

Examiner: Aung Soe Moe

Filed: August 29, 2000

For: FOCUSING DEVICE AND METHOD

**CERTIFICATE OF MAILING (37 C.F.R. §1.8(a))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Sir:

I hereby certify that the attached:

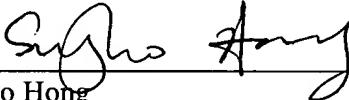
1. Response to Restriction Requirement; and
2. Return Receipt Postcard

along with any paper(s) referred to as being attached or enclosed and this Certificate of Mailing are being deposited with the United States Postal Service on date shown below with sufficient postage as first-class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: May 14, 2004

By:

  
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Docket No. 1232-4642

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Hirofumi TAKEI

Group Art Unit: 2872

Serial No.: 09/649,951

Examiner: Aung Soe Moe

Filed: August 29, 2000

For: FOCUSING DEVICE AND METHOD

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P.O. Box 1450  
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RESPONSE TO RESTRICTION REQUIREMENT

In the Official Action dated April 21, 2004, pending claims 1-33 are subject to a Restriction and/or Election Requirement between Species I (Figs. 1-7) and Species II (Figs 8-13B) with at least claims 21, 29 and 32 being generic between these species. In response, Applicant provisionally elect to prosecute Species II. Applicant believes that all of the pending claims (i.e., claims 1-33) are readable on the elected figures.

For example, the processing steps represented in Figs. 10 and 12 show that both of the peak luminance value and average luminance peak value are compared with predetermined thresholds (e.g., steps S301-S304 of Fig. 10), and depending upon the comparison result, it is determined that which of the integrated focus evaluation value or the peak focus evaluation value is to be used. In other words, Fig. 10 shows at least one of the integrated focus evaluation value and the peak focus evaluation value is used for the determination. Accordingly, Applicant believes that all of the pending claims (i.e., claims 1-33) are readable on the Species II of the Figs. 8-13B.

Should the Restriction and/or Election Requirement be made final, Applicant expressly reserves the right to represent the non-elected Species I of Figs. 1-7 and any readable claim thereon in a divisional application, if necessary.

**AUTHORIZATION**

No petitions or fees are believed due for the submission of this Response. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-4642). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: May 14, 2004

By: Sungho Hong  
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